

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KENNETH WISELL,

Plaintiff,

v.

Case No: 8:23-cv-735-CEH-UAM

BANK OF AMERICA, N.A. and
EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendants.

ORDER

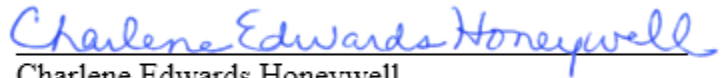
This cause comes before the Court on Plaintiff's Notice of Voluntary Dismissal (Doc. 30), as to Defendant Bank of America, N.A. filed on July 24, 2023. Plaintiff attempts to dismiss his claims against Bank of America, N.A., pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), without an order from the Court. However, such dismissal is only effective when the notice of dismissal is filed before the opposing party serves an answer or a motion for summary judgment. Here, Defendant Bank of America, N.A. filed on Answer (Doc. 20) on June 7, 2023. Therefore, Plaintiff's Notice of Voluntary Dismissal of Bank of America, N.A. (Doc. 30) is ineffective without a court order.

To properly dismiss his claims against Bank of America, N.A., Plaintiff must either submit a stipulation of dismissal signed by both Plaintiff and Bank of America pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) or file a motion for the

Court to consider Plaintiff's request to dismiss the complaint against Bank of America.

See Fed. R. Civ. P. 41(a)(2).

DONE and **ORDERED** in Tampa, Florida on August 3, 2023.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Parties